United Nations S/AC.44/2014/2

Security Council

Distr.: General
3 March 2014

Original: English

Security Council Committee established pursuant to resolution 1540 (2004)

Letter dated 26 February 2014 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Chair of the Committee

I am writing to you in your capacity as Chair of the Committee established pursuant to Security Council resolution 1540 (2004) and have the honour to submit the national implementation report by the Republic of Azerbaijan (see annex).

The report contains information that has been updated since the submission of Azerbaijan's previous report, in April 2006 (S/AC.44/2004/(02)/66/Add.1), including on further national measures for improving legislation and national practices and their implementation; enhancing capacities of law enforcement and judicial authorities in their counter-proliferation efforts; and strengthening international cooperation.

14-25082 (E) 140314

Please recycle

Annex to the letter dated 26 February 2014 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Chair of the Committee

Revised report of the Republic of Azerbaijan on the implementation of Security Council resolution 1540 (2004)

1. The present report provides updated and revised information on the implementation of Security Council resolution 1540 (2004) by the Republic of Azerbaijan since the previous report was submitted to the Committee, in April 2006. It includes further national measures on improving legislation and national practices and their implementation; enhancing capacities of law enforcement and judicial authorities in their efforts to fight against proliferation-related activities; and strengthening international cooperation.

Introduction

2. Since regaining its independence, Azerbaijan has been supporting and contributing to global efforts aimed at promoting peace and security, including non-proliferation activities. The national security concept of the Republic of Azerbaijan describes the proliferation of weapons of mass destruction as one of the key security challenges, which was reaffirmed in the recently adopted Maritime Security Strategy.

3. Azerbaijan's sensitive and complex geographic location requires it to establish and maintain effective control systems and carry out vigilant measures to curb illegal trafficking and proliferation activities. Owing to the continuing Armenian military occupation of one fifth of the internationally recognized territories of Azerbaijan, which provides fertile conditions for illicit trafficking activities, Azerbaijan will be unable to guarantee the implementation of the resolution in those occupied territories until the occupation has ended and Azerbaijan has restored its territorial integrity.

4. Azerbaijan endorsed the Statement of Principles and joined the Global Initiative to Combat Nuclear Terrorism in 2012. Azerbaijan ratified the International Convention for the Suppression of Acts of Nuclear Terrorism with law No. 725-IIIQ of 2 December 2008. Azerbaijan is also a State party to the Convention on the Physical Protection of Nuclear Material.

Legislation

5. Azerbaijan takes all necessary efforts to maintain an effective export control system in order to prevent illegal activities relating to arms and military and dual-use goods, including the proliferation of weapons of mass destruction, their means of delivery and related materials. The export control system of the Republic of Azerbaijan is aimed at ensuring national security interests and implementing obligations emanating from international non-proliferation agreements to which the Republic of Azerbaijan is a party. The export control system of the Republic of Azerbaijan also recognizes the role of the Security Council in imposing embargoes and other restrictions.

6. In September 2013, the President of the Republic of Azerbaijan endorsed Azerbaijan's first Maritime Security Strategy. This document delineates the roles and responsibilities of the relevant national authorities in ensuring maritime security and addressing maritime threats described in the Strategy. According to the Strategy, the proliferation of nuclear and other weapons of mass destruction, their means of delivery and related materials is one of the key threats (both internal and external) against maritime security. The Strategy also identifies rules for conducting coordination and interaction, the exchange of information, risk assessment, cooperation with littoral countries, and other pertinent issues.

7. Since the previous report, the penal legislation of the Republic of Azerbaijan has been amended and a new section 15.2, on punitive measures applicable to legal persons, has been added to the Criminal Code. These measures include imposing a fine, the special confiscation of property, depriving the offending legal entity from exercising certain activities, and the liquidation of a legal entity. These measures may be applied to those entities that commit the offences described in the following articles of the Criminal Code: 144.1 (human trafficking), 144.2 (forced labour), 193.1 (fraudulent entrepreneurship), 194 (managing illegal financial resources), 214 (terrorism), 214.1 (financing terrorism), 271-273 (information technology crimes), 308 (abuse of official powers), 311 (taking bribes), 312 (offering bribes), 312.1 (trade of influence), 313 (forging documents/resources) and 316.1 and 316.2 (violation of confidentiality). These offences may be prosecuted if they are committed by a competent individual entitled to represent or make a decision on behalf of the entity, by an individual supervising the entity's activities and, in some cases, by its employees.

8. The Republic of Azerbaijan has revised its appropriate legislation and adopted additional normative acts to regulate more efficiently the control of strategic goods (see enclosure).

Enforcement and control

9. By supporting bilateral and international cooperation mechanisms and using national resources, relevant State authorities enhanced their capacities and physical protection measures to prevent the proliferation of nuclear, chemical and biological weapons and their means of delivery and related materials, and improved inter-agency cooperation to strengthen control over related materials.

10. The State Customs Committee and State Border Service continued to modernize their equipment that supports communications, mobility and data exchange capabilities. Customs inspection posts were provided with static and mobile facilities to enhance screening capacities for the monitoring of goods and vehicles, dual-use goods and technology related to weapons of mass destruction and relevant materials. Additional steps were taken to improve the training of personnel on preventing the trafficking of components of weapons of mass destruction and dual-use goods.

11. Additional measures were taken to improve border security. Border posts and Coast Guard units were provided with short- and long-range communications, video surveillance systems, night-vision equipment, additional vehicles and coastal surveillance radar. In support of nuclear security and detection capabilities, including for combating the illicit trafficking of nuclear and other radioactive materials, border checkpoints were upgraded and provided with surveillance equipment and portable radiation control devices. The border equipment

modernization was conducted in accordance with the State Programme on the Technical Development of the Border Protection System, implemented in the period 2006-2010.

12. National control over the items referred to in the resolution has been established and implemented in accordance with the Export Control Law of 2004 and the control list approved by the Cabinet of Ministers in February 2006. The list is based on the European Union control list, and its further harmonization with the European Union list is currently under way.

13. In accordance with the decree of the Cabinet of Ministers on measures for the further strengthening of radiation safety control in the Republic of Azerbaijan, each government or private entity is required to make an inventory of radioactive and other ionizing radiation materials and provide reports to the relevant authorities, including the Ministry of Emergency Situations. At present, the State Agency on Nuclear and Radiological Activities Regulation (SANRAR), under the Ministry of Emergency Situations, is the key governmental body responsible for making inventories and State registers; regulating and licensing activities related to the use of ionizing radiation sources; and ensuring radiation protection and inspection of the relevant sites.

14. In the fight against terrorism, Azerbaijan has taken additional steps to enhance inter-agency training and cooperation. Azerbaijan has also taken steps to improve the training of personnel on preventing the trafficking of components of weapons of mass destruction and dual-use goods.

International cooperation

15. In April 2011, Azerbaijan hosted a North Atlantic Treaty Organization (NATO)/ Euro-Atlantic Partnership Council (EAPC) workshop on the implementation of Security Council resolution 1540 (2004). Representatives of the EAPC countries participated and held discussions on topics such as best practices and new methods for effective customs control and screening procedures; lessons learned regarding the implementation of resolution 1540 (2004) by EAPC countries; and possibilities for enhanced practical cooperation among national customs and border agencies.

16. In April 2013, Azerbaijan hosted the Organization for the Prohibition of Chemical Weapons (OPCW) regional training course for customs authorities on technical aspects of the transfers regime of the Chemical Weapons Convention. The training course focused on the handling of scheduled chemicals and the engagement between customs and national authorities, its practical impact on the implementation of the transfers regime of the Convention and its role in diminishing and eventually eliminating discrepancies between the quantities of scheduled chemicals declared by importing and exporting States parties in respect of the same transfers.

17. Azerbaijan organized a number of seminars at the Regional Office for Capacity-Building of the World Customs Organization in Baku.

18. Azerbaijani officials participated in and contributed to workshops and other events on resolution 1540 (2004) and export control courses held with the support of the European Union, NATO, the Organization for Security and Cooperation in Europe and national institutions in numerous countries.

Enclosure

National legislation system of the Republic of Azerbaijan applicable to the purposes of Security Council resolution 1540 (2004)

- Constitution of the Republic of Azerbaijan of 1995
- Civil Code of the Republic of Azerbaijan (Act No. 779-IQ of 28 December 1999)
- Criminal Code of the Republic of Azerbaijan (Act No. 787-IQ of 30 December 1999)
- Code of Administrative Offences of the Republic of Azerbaijan (Act No. 906-IQ of 11 July 2000)
- Customs Code of the Republic of Azerbaijan (Act No. 164-IVQ of 24 June 2011)
- Law of the Republic of Azerbaijan on service and civil weapons (Act No. 442-IQ of 30 December 1997)
- Law of the Republic of Azerbaijan on export control (Act No. 772-IIQ of 26 October 2004)
- Decree of the President of the Republic of Azerbaijan on the approval of guidelines on regulating import-export operations in the Republic of Azerbaijan (Act No. 609 of 24 June 1997)
- Decree of the President of the Republic of Azerbaijan on measures for improving the licensing of certain types of entrepreneurship in the Republic of Azerbaijan (Act No. 310 of 28 March 2000)
- Decree of the President of the Republic of Azerbaijan on the approval of guidelines on the import of service and civil weapons to, and export from, the Republic of Azerbaijan and guidelines on the sale of service and civil weapons in the territory of the Republic of Azerbaijan (Act No. 769 of 24 August 2002)
- Decree of the President of the Republic of Azerbaijan on additional measures for regulating the turnover of articles restricted from civil circulation (Act No. 292 of 12 September 2005)
- Other normative acts approved by the decision of the Cabinet of Ministers of the Republic of Azerbaijan (Act No. 230 of 15 December 2005):
  - Export control regimes of goods (works, services, results of intellectual activities) subject to export control for certain States
  - Guidelines on the implementation of export control
  - The list of State agencies involved in verification prior to and after granting special permission (licence); exercising control over the use of dual-use goods in conformity with declared purposes; carrying out export control and granting special permission for goods, subject to export control, in accordance with their nomenclature; as well as works, services and results of intellectual activities in accordance with their category and section as envisaged in the legislation

- Guidelines on granting special permission on goods (works, services, results of intellectual activities) subject to export control
- Guidelines of verification prior to and after granting special permission for foreign economic activities over goods (works, services and results of intellectual activities) subject to export control
- Guidelines on exercising control over the use of dual-use goods (works, services and results of intellectual activities) in accordance with declared purposes

• Decision of the Cabinet of Ministers of the Republic of Azerbaijan on approval of the list of goods subject to export control, as well as works, services and results of intellectual activities by their codes in accordance with their nomenclature (Act No. 42 of 9 February 2006)